

April 23, 2012

Susannah Frame
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Susannah,

Cathy Canorro has copied me on her response to the email(s) that you sent to me.

For the record, I want to emphasize that I am not allowed speak about the Certification Committee's specific decisions or specific firms — even though I no longer participate on the Committee. I hope it is clear from Ms. Canorro's email that the Certification Committee operates within the administrative law process in a quasi-judicial capacity, independently from OMWBE and its certification personnel. This role is similar to that of a hearings officer or adjudicative law judge. 49 CFR Part 26.87(a)(3) requires the Committee to make decisions based on the *specific issues* subject to appeal that OMWBE raised in writing in its Intent to Remove Letter. The Committee has no authority to conduct its own investigation or to add additional issues that OMWBE did not include in its Intent to Remove Letter. 49 CFR Part 26.87(e) requires a separation of functions.

The Committee is comprised of three members (including an OMWBE staff person who does not report to personnel responsible for certification decisions and the WSDOT Office of Equal Opportunity Director). The three-member committee is a WSDOT requirement as referenced in the OMWBE/WSDOT Intergovernmental Agreement. All DBE appeal decisions are made by consensus and each member has the means to draft, review, and/or edit the decision letter and review the file prior to release. Historically, only the Chair has ever signed the decision letters.

If you have any additional questions, please contact me on my personal cell at 206-369-6740.

Vicky Schiantarelli